

geographic proximity; survivals of stone, ceramic and perishable material culture skills; and probable linguistic continuity across the Late Prehistoric/Contact Period boundary. In a 1979 article, Dr. David Sanger, the archaeologist who conducted the 1977 excavations at the Fernald Point Site and uncovered the abovementioned burials, recognizes a relationship between Maine sites dating to the Ceramic Period (2,000 B.P.-1600 A.D.) and present-day Algonkian speakers generally known as Abenakis, including the Micmac, Maliseet, Passamaquoddy, Penobscot, Kennebec, and Pennacook groups.

Based on the above mentioned information, officials of the National Park Service have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these human remains and associated funerary objects and the Wabanaki Tribes of Maine.

This notice has been sent to officials of the Wabanaki Tribes of Maine. Representatives of any other Indian tribe which believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Len Bobinchock, Acting Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, ME 04609, telephone: (207) 288-0374, before August 31, 1994. Repatriation of these human remains and associated funerary objects to the Wabanaki Tribes of Maine may begin after that date if no additional claimants come forward.

Dated: July 21, 1994

Francis P. McManamon,
Departmental Consulting Archeologist,
Chief, Archeological Assistance Division.

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PART 11—NATURAL RESOURCE DAMAGE ASSESSMENTS

Subpart A—Introduction

Sec.

- 11.10 Scope and applicability.
- 11.11 Purpose.
- 11.12 Biennial review of regulations.
- 11.13 Overview.
- 11.14 Definitions.
- 11.15 What damages may a trustee recover?
- 11.16 [Reserved]
- 11.17 Compliance with applicable laws and standards.
- 11.18 Incorporation by reference.
- 11.19 [Reserved]

Subpart B—Preassessment Phase

- 11.20 Notification and detection.
- 11.21 Emergency restorations.
- 11.22 Sampling of potentially injured natural resources.

- 11.23 Preassessment screen—general.
- 11.24 Preassessment screen—information on the site.
- 11.25 Preassessment screen—preliminary identification of resources potentially at risk.

Subpart C—Assessment Plan Phase

- 11.30 What does the authorized official do if an assessment is warranted?
- 11.31 What does the Assessment Plan include?
- 11.32 How does the authorized official develop the Assessment Plan?
- 11.33 What types of assessment procedures are available?
- 11.34 When may the authorized official use a type A procedure?
- 11.35 How does the authorized official decide whether to use type A or type B procedures?
- 11.36 May the authorized official use both type A and type B procedures for the same release?
- 11.37 Must the authorized official confirm exposure before implementing the Assessment Plan?
- 11.38 Assessment Plan—preliminary estimate of damages.

Subpart D—Type A Procedures

- 11.40 What are type A procedures?
- 11.41 What data must the authorized official supply?
- 11.42 How does the authorized official apply the NRDAM/CME or NRDAM/GLE?
- 11.43 Can interested parties review the results of the preliminary application?
- 11.44 What does the authorized official do after the close of the comment period?

Subpart E—Type B Procedures

- 11.60 Type B assessments—general.
- 11.61 Injury determination phase—general.
- 11.62 Injury determination phase—injury definition.
- 11.63 Injury determination phase—pathway determination.
- 11.64 Injury determination phase—testing and sampling methods.
- 11.70 Quantification phase—general.
- 11.71 Quantification phase—service reduction quantification.
- 11.72 Quantification phase—baseline services determination.
- 11.73 Quantification phase—resource recoverability analysis.
- 11.80 Damage determination phase—general.
- 11.81 Damage determination phase—restoration and compensation determination plan.
- 11.82 Damage determination phase—alternatives for restoration, rehabilitation,

§ 11.10

replacement, and/or acquisition of equivalent resources.

11.83 Damage determination phase—use value methodologies.

11.84 Damage determination phase—implementation guidance.

Subpart F—Post-Assessment Phase

11.90 What documentation must the authorized official prepare after completing the assessment?

11.91 How does the authorized official seek recovery of the assessed damages from the potentially responsible party?

11.92 Post-assessment phase—restoration account.

11.93 Post-assessment phase—restoration plan.

APPENDIX I TO PART 11—METHODS FOR ESTIMATING THE AREAS OF GROUND WATER AND SURFACE WATER EXPOSURE DURING THE PREASSESSMENT SCREEN

APPENDIX II TO PART 11—FORMAT FOR DATA INPUTS AND MODIFICATIONS TO THE NRDAM/CME

APPENDIX III TO PART 11—FORMAT FOR DATA INPUTS AND MODIFICATIONS TO THE NRDAM/GLE

AUTHORITY: 42 U.S.C. 9651(c), as amended.

SOURCE: 51 FR 27725, Aug. 1, 1986, unless otherwise noted.

Subpart A—Introduction

§ 11.10 Scope and applicability.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9601 *et seq.*, and the Clean Water Act (CWA), 33 U.S.C. 1251-1376, provide that natural resource trustees may assess damages to natural resources resulting from a discharge of oil or a release of a hazardous substance covered under CERCLA or the CWA and may seek to recover those damages. This part supplements the procedures established under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, for the identification, investigation, study, and response to a discharge of oil or release of a hazardous substance, and it provides a procedure by which a natural resource trustee can determine compensation for injuries to natural resources that have not been nor are expected to be addressed by response actions conducted pursuant to the NCP. The assessment procedures set forth in this part are not mandatory.

43 CFR Subtitle A (10-1-08 Edition)

However, they must be used by Federal or State natural resource trustees in order to obtain the rebuttable presumption contained in section 107(f)(2)(C) of CERCLA. This part applies to assessments initiated after the effective date of this final rule.

[53 FR 5171, Feb. 22, 1988]

§ 11.11 Purpose.

The purpose of this part is to provide standardized and cost-effective procedures for assessing natural resource damages. The results of an assessment performed by a Federal or State natural resource trustee according to these procedures shall be accorded the evidentiary status of a rebuttable presumption as provided in section 107(f)(2)(C) of CERCLA.

[53 FR 5171, Feb. 22, 1988]

§ 11.12 Biennial review of regulations.

The regulations and procedures included within this part shall be reviewed and revised as appropriate 2 years from the effective date of these rules and every second anniversary thereafter.

§ 11.13 Overview.

(a) *Purpose.* The process established by this part uses a planned and phased approach to the assessment of natural resource damages. This approach is designed to ensure that all procedures used in an assessment, performed pursuant to this part, are appropriate, necessary, and sufficient to assess damages for injuries to natural resources.

(b) *Preassessment phase.* Subpart B of this part, the preassessment phase, provides for notification, coordination, and emergency activities, if necessary, and includes the preassessment screen. The preassessment screen is meant to be a rapid review of readily available information that allows the authorized official to make an early decision on whether a natural resource damage assessment can and should be performed.

(c) *Assessment Plan phase.* If the authorized official decides to perform an assessment, an Assessment Plan, as described in subpart C of this part, is prepared. The Assessment Plan ensures that the assessment is performed in a planned and systematic manner and